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PATENT
Attorney Docket No. C-6-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

PHILIP E. EGGERS et al.

Application No.: 09/054,660

Filed: April 3, 1998

For: SYSTEMS AND METHODS FOR
ELECTROSURGICAL MYOCARDIAL
REVASCULARIZATION

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)
) Examiner: M. Peffley
)
)
) **AMENDMENT UNDER 37 CFR 1.116**
) **EXPEDITED PROCEDURE**
) **EXAMINING GROUP 3739**
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Box AF

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed March 1, 2000. Applicant appreciates the Examiner's careful consideration of this case. Currently, all claims have been rejected as being anticipated or obvious over Bales. In particular, the Examiner has taken the position that the phrase "smooth muscle coring" in Bales anticipates the claim language. Applicant respectfully disagrees.

Applicant has attached a copy of a page from Dorland's Medical Dictionary, 28th Edition. In particular, Applicant directs the Examiner's attention to the definition of muscle. Muscles are of two varieties: (1) striated, or striped, including all the muscles in which contraction is voluntary and the heart muscle; and (2) unstriated, nonstriated, smooth, or organic, including all the involuntary muscles except the heart, such as the muscular layer of the intestines, bladder, blood vessels, etc. In light of this definition (and the entirety of the

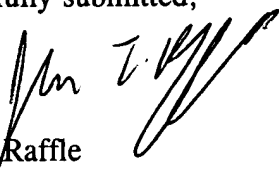
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Bales disclosure) Applicant believes that the phrase "smooth muscle coring" is specifically intended to cover coring through a stenotic area in a blood vessel to create a lumen. In fact, Applicant believes that by using the phrase "smooth muscle coring", the Bales reference clearly intends to exclude striped muscles, such as the heart.

In light of the above, Applicant believes that the Bales reference to "smooth muscle coring" does not anticipate or render obvious the pending claims of this application. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 736-0224.

Respectfully submitted,


John T. Raffle
Reg. No. 38,585

ArthroCare Corporation
595 N. Pastoria Ave.
Sunnyvale, California 94086
(408) 736-0224